

1           **(1m) ADDITIONAL LIMITATIONS.** The department may promulgate rules imposing  
2 additional limits on the conditional uses that may be allowed in a farmland  
3 preservation zoning district in order for a farmland preservation zoning ordinance  
4 to comply with s. 91.42.

5           **(2) NONFARM RESIDENCES.** A nonfarm residence qualifies for the purposes of sub.  
6 (1) (d) if the political subdivision determines that all of the following apply:

7           (a) The ratio of nonfarm residential acreage to farm acreage on the base farm  
8 tract on which the nonfarm residence will be located will not be greater than 1 to 20  
9 after the nonfarm residence is constructed.

10           (b) There will not be more than 4 dwelling units in nonfarm residences, nor  
11 more than 5 dwelling units in residences of any kind, on the base farm tract after the  
12 nonfarm residence is constructed.

13           (c) The location of the proposed nonfarm residential parcel, and the location of  
14 the nonfarm residence on that nonfarm residential parcel, will not do any of the  
15 following:

16           1. Convert prime farmland from agricultural use or convert land previously  
17 used as cropland, other than a woodlot, from agricultural use if on the farm there are  
18 reasonable alternative locations for a nonfarm residential parcel or nonfarm  
19 residence.

20           2. Significantly impair or limit the current or future agricultural use of other  
21 protected farmland.

22           **(3) NONFARM RESIDENTIAL CLUSTER.** A political subdivision may issue one  
23 conditional use permit that covers more than one nonfarm residence in a qualifying  
24 nonfarm residential cluster. A nonfarm residential cluster qualifies for the purposes  
25 of sub. (1) (e) if all of the following apply:

1           (a) The parcels on which the nonfarm residences would be located are  
2 contiguous.

3           (b) The political subdivision imposes legal restrictions on the construction of  
4 the nonfarm residences so that if all of the nonfarm residences were constructed,  
5 each would satisfy the requirements under sub. (2).

6           **(4) TRANSPORTATION, COMMUNICATIONS, PIPELINE, ELECTRIC TRANSMISSION, UTILITY,**  
7 **OR DRAINAGE USE.** A transportation, communications, pipeline, electric transmission,  
8 utility, or drainage use qualifies for the purposes of sub. (1) (f) if the political  
9 subdivision determines that all of the following apply:

10           (a) The use and its location in the farmland preservation zoning district are  
11 consistent with the purposes of the farmland preservation zoning district.

12           (b) The use and its location in the farmland preservation zoning district are  
13 reasonable and appropriate, considering alternative locations, or are specifically  
14 approved under state or federal law.

15           (c) The use is reasonably designed to minimize conversion of land, at and  
16 around the site of the use, from agricultural use or open space use.

17           (d) The use does not substantially impair or limit the current or future  
18 agricultural use of surrounding parcels of land that are zoned for or legally restricted  
19 to agricultural use.

20           (e) Construction damage to land remaining in agricultural use is minimized  
21 and repaired, to the extent feasible.

22           **(5) GOVERNMENTAL, INSTITUTIONAL, RELIGIOUS, OR NONPROFIT COMMUNITY USE.** A  
23 governmental, institutional, religious, or nonprofit community use qualifies for the  
24 purposes of sub. (1) (g) if the political subdivision determines that all of the following  
25 apply:

1 (a) The use and its location in the farmland preservation zoning district are  
2 consistent with the purposes of the farmland preservation zoning district.

3 (b) The use and its location in the farmland preservation zoning district are  
4 reasonable and appropriate, considering alternative locations, or are specifically  
5 approved under state or federal law.

6 (c) The use is reasonably designed to minimize the conversion of land, at and  
7 around the site of the use, from agricultural use or open space use.

8 (d) The use does not substantially impair or limit the current or future  
9 agricultural use of surrounding parcels of land that are zoned for or legally restricted  
10 to agricultural use.

\*\*\*\*NOTE: I made the requested change, replacing "protected farmland," which is  
a defined term. Are you sure you want that change?

11 (e) Construction damage to land remaining in agricultural use is minimized  
12 and repaired, to the extent feasible.

13 **(6) NONMETALLIC MINERAL EXTRACTION.** Nonmetallic mineral extraction  
14 qualifies for the purposes of sub. (1) (h) if the political subdivision determines that  
15 all of the following apply:

16 (a) The operation complies with subch. I of ch. 295 and rules promulgated under  
17 that subchapter, with applicable provisions of the local ordinance under s. 295.13 or  
18 295.14, and with any applicable requirements of the department of transportation  
19 concerning the restoration of nonmetallic mining sites.

20 (b) The operation and its location in the farmland preservation zoning district  
21 are consistent with the purposes of the farmland preservation zoning district.

22 (c) The operation and its location in the farmland preservation zoning district  
23 are reasonable and appropriate, considering alternative locations outside the

1 farmland preservation zoning district, or are specifically approved under state or  
2 federal law.

3 (d) The operation is reasonably designed to minimize the conversion of land  
4 around the extraction site from agricultural use or open space use.

5 (e) The operation does not substantially impair or limit the current or future  
6 agricultural use of surrounding parcels of land that are zoned for or legally restricted  
7 to agricultural use.

8 (f) The farmland preservation zoning ordinance requires the owner to restore  
9 the land to agricultural use, consistent with any required locally approved  
10 reclamation plan, when extraction is completed.

11 **91.48 Rezoning of land out of a farmland preservation zoning district.**

12 (1) A political subdivision with a certified farmland preservation zoning ordinance  
13 may rezone land out of a farmland preservation zoning district without having the  
14 rezoning certified under s. 91.36, if all of the following apply:

15 (a) The political subdivision finds all of the following, after public hearing:

16 1. The land is better suited for a use not allowed in the farmland preservation  
17 zoning district.

18 2. The rezoning is consistent with any applicable comprehensive plan.

19 3. The rezoning is substantially consistent with the county certified farmland  
20 preservation plan.

21 4. The rezoning will not substantially impair or limit current or future  
22 agricultural use of surrounding parcels of land that are zoned for or legally restricted  
23 to agricultural use.

24 (b) The owner of the land pays to the political subdivision, for each rezoned acre  
25 or portion thereof, a conversion fee equal to the greater of the following:

1           1. Three times the per acre value, for the year in which the land is rezoned, of  
2           the highest value category of tillable cropland in the town in which the rezoned land  
3           is located, as specified by the department of revenue under s. 73.03 (2a).

4           2. An amount specified in the certified farmland preservation zoning  
5           ordinance.

6           (2) A political subdivision shall annually provide all of the following to the  
7           department and, if the political subdivision is not a county, to the county:

8           (a) A description of the amount of land that the political subdivision has  
9           rezoned out of a farmland preservation zoning district since the effective date of this  
10          paragraph .... [LRB inserts date], or since the date it last complied with this  
11          subsection, whichever is later, and a map that clearly shows the location of the land.

12          (b) A description of the amount of revenue that the political subdivision  
13          received as conversion fees under sub. (1) (b) since the effective date of this  
14          paragraph .... [LRB inserts date], or since the date it last complied with this  
15          subsection, whichever is later.

16          **91.49 Use of conversion fees.** A political subdivision shall use conversion  
17          fees received under s. 91.48 (1) (b) for its costs related to farmland preservation  
18          planning, zoning, or compliance monitoring.

19          **91.50 Exemption from special assessments.** (1) Except as provided in sub.  
20          (3), no political subdivision, special purpose district, or other local governmental  
21          entity may levy a special assessment for sanitary sewers or water against land in  
22          agricultural use, if the land is located in a farmland preservation zoning district.

23          (2) A political subdivision, special purpose district, or other local governmental  
24          entity may deny the use of improvements for which the special assessment is levied  
25          to land that is exempt from the assessment under sub. (1).

**(3)** The exemption under sub. (1) does not apply to an assessment that an owner voluntarily pays, after the assessing authority provides notice of the exemption under sub. (1).

## SUBCHAPTER IV

## FARMLAND PRESERVATION AGREEMENTS

**91.60 Farmland preservation agreements; general. (1) AGREEMENTS**  
**AUTHORIZED.** The department may enter into a farmland preservation agreement  
that complies with s. 91.62 with the owner of land that is eligible under sub. (2).

**(2) ELIGIBLE LAND.** Land is eligible if all of the following apply:

(a) The land consists of at least 35 contiguous acres on a farm that produced at least \$6,000 in gross farm profits during the taxable year preceding the year in which the owner applies for a farmland preservation agreement or a total of at least \$18,000 in gross farm profits during the last 3 taxable years preceding the year in which the owner applies for a farmland preservation agreement.

(b) The land is located in a farmland preservation area identified in a certified farmland preservation plan.

(c) The land is in an agricultural enterprise area designated under s. 91.84.

**(3) PRIOR AGREEMENTS.** (a) Except as provided in par. (c) or s. 91.66, a farmland preservation agreement entered into before the effective date of this paragraph ... [LRB inserts date], remains in effect for the term specified in the agreement and under the terms that were agreed upon when the agreement was last created, extended, or renewed.

(b) The department may not extend or renew a farmland preservation agreement entered into before the effective date of this paragraph .... [LRB inserts date].

1 (c) The department and an owner of land who entered into a farmland  
2 preservation agreement before the effective date of this paragraph .... [LRB inserts  
3 date] may agree to modify the a farmland preservation agreement in order to allow  
4 the owner to claim the tax credit under s. 71.613 rather than the tax credit for which  
5 the owner would otherwise be eligible.

\*\*\*\*NOTE: The proposed language seemed to say that an agreement could be changed only if the change both allowed the owner to claim the credit created by this bill and allowed the agreement to be terminated under s. 91.66. I think that s. 91.66 already allows old agreements to be terminated if the requirements in s. 91.66 are met. Note that s. 91.60 (3) (a) indicates that through the cross-reference to s. 91.66. Perhaps I am not understanding the intent of proposed s. 91.60 (3). Please let me know.

6 **91.62 Farmland preservation agreements; requirements. (1) CONTENTS.**

7 The department may not enter into a farmland preservation agreement unless the  
8 agreement does all of the following:

9 (a) Specifies a term of at least 15 years.

10 (b) Includes a correct legal description of the tract of land covered by the  
11 farmland preservation agreement.

12 (c) Includes provisions that restrict the tract of land to the following uses:

13 1. Agricultural uses and accessory uses.

14 2. Undeveloped natural resource and open space uses.

15 **(2) FORM.** The department shall specify a form for farmland preservation  
16 agreements that complies with s. 59.43 (2m).

17 **(3) EFFECTIVENESS.** A farmland preservation agreement takes effect when it is  
18 signed by all owners of the land covered by the farmland preservation agreement and  
19 by the department.

20 **(4) RECORDING.** The department shall provide a copy of a signed farmland  
21 preservation agreement to a person designated by the signing owners and shall

1 promptly present the signed agreement to the register of deeds for the county in  
2 which the land is located for recording.

3 (5) CHANGE OF OWNERSHIP. A farmland preservation agreement is binding on  
4 a person who purchases land during the term of a farmland preservation agreement  
5 that covers the land.

6 **91.64 Applying for a farmland preservation agreement.** (1) SUBMITTING  
7 AN APPLICATION. An owner who wishes to enter into a farmland preservation  
8 agreement shall submit an application, on a form provided by the department, to the  
9 county clerk of the county in which the land is located.

10 (2) CONTENTS OF APPLICATION. A person submitting an application under sub.  
11 (1) shall include all of the following in the application:

12 (a) The name and address of each person who has an ownership interest in the  
13 land proposed for coverage by the agreement.

14 (b) The location of the land proposed for coverage, indicated by street address,  
15 global positioning system coordinates, or township, range, and section.

16 (c) The legal description of the land proposed for coverage.

17 (d) A map or aerial photograph of the land proposed for coverage, showing  
18 parcel boundaries, residences and other structures, and significant natural features.

19 (e) Information showing that the land proposed for coverage is eligible under  
20 s. 91.60 (2).

21 (f) A description of every existing mortgage, easement, and lien, other than  
22 liens on growing crops, on land proposed for coverage, including the name and  
23 address of the person holding the lien, mortgage, or easement.

24 (g) A signed agreement from each person required to be identified under par.  
25 (f) subordinating the person's lien, mortgage, or easement to the agreement.



1 (h) Any other information required by the department by rule.

2 (i) Any fee under sub. (2m).

3 **(2m) COUNTY PROCESSING FEE.** A county may charge a reasonable fee for  
4 processing an application for a farmland preservation agreement.

5 **(3) COUNTY REVIEW.** (a) A county shall review an application under sub. (2) to  
6 determine whether the land proposed for coverage meets the requirements under s.  
7 91.60 (2) (b) and (c). The county shall provide its findings to the applicant in writing  
8 within 60 days after the day on which the county clerk receives a complete  
9 application.

10 (b) If the county finds under par. (a) that the land proposed for coverage meets  
11 the requirements under s. 91.60 (2) (b) and (c), the county shall promptly send all of  
12 the following to the department, along with any other comments that the county  
13 chooses to provide:

14 1. The original application, including all of the information provided with the  
15 application.

16 2. A copy of the county's findings.

17 **(4) DEPARTMENT ACTION ON APPLICATION.** (a) The department may prepare a  
18 farmland preservation agreement that complies with s. 91.62 and enter into the  
19 farmland preservation agreement under s. 91.60 (1) based on a complete application  
20 and on county findings under sub. (3) (b).

21 (b) The department may decline to enter into a farmland preservation  
22 agreement for any of the following reasons:

23 1. The application is incomplete.

24 2. The land is not eligible land under s. 91.60 (2).

1           **91.66 Terminating a farmland preservation agreement.** (1) The  
2 department may terminate a farmland preservation agreement or release land from  
3 a farmland preservation agreement at any time if all of the following apply:

4           (a) All of the owners of land covered by the farmland preservation agreement  
5 consent to the termination or release, in writing.

6           (b) The department finds that the termination or release will not impair or limit  
7 agricultural use of other protected farmland.

8           (c) The owners of the land pay to the county in which the land is located, for each  
9 acre or portion thereof released from the farmland preservation agreement, a  
10 conversion fee equal to the greater of the following:

11           1. Three times the per acre value, for the year in which the farmland  
12 preservation agreement is terminated or the land is released, of the highest value  
13 category of tillable cropland in the town in which the land is located, as specified by  
14 the department of revenue under s. 73.03 (2a).

15           2. An amount specified by the county by ordinance.

16           **(2)** The department shall provide a copy of its decision to terminate a farmland  
17 preservation agreement or release land from a farmland preservation agreement to  
18 a person designated by the owners of the land and shall present a copy of the decision  
19 to the register of deeds for the county in which the land is located for recording.

20           **91.68 Violations of farmland preservation agreements.** (1) The  
21 department may bring an action in circuit court to do any of the following:

22           (a) Enforce a farmland preservation agreement.

23           (b) Restrain, by temporary or permanent injunction, a change in land use that  
24 violates a farmland preservation agreement.

1 (c) Seek a civil forfeiture for a change in land use that violates a farmland  
2 preservation agreement.

3 (2) A forfeiture under sub. (1) (c) may not exceed twice the fair market value  
4 of the land covered by the agreement at the time of the violation.

5 **91.70 Farmland preservation agreements; exemption from special**  
6 **assessments.** (1) Except as provided in sub. (3), no political subdivision, special  
7 purpose district, or other local governmental entity may levy a special assessment  
8 for sanitary sewers or water against land in agricultural use, if the land is covered  
9 by a farmland preservation agreement.

10 (2) A political subdivision, special purpose district or other local governmental  
11 entity may deny the use of improvements for which the special assessment is levied  
12 to land that is exempt from the assessment under sub. (1).

13 (3) The exemption under sub. (1) does not apply to an assessment that an owner  
14 voluntarily pays, after the assessing authority provides notice of the exemption  
15 under sub. (1).

## 16 SUBCHAPTER V

### 17 SOIL AND WATER CONSERVATION

18 **91.80 Soil and water conservation by persons claiming tax credits.** An  
19 owner claiming farmland preservation tax credits under s. 71.613 shall comply with  
20 applicable land and water conservation standards promulgated by the department  
21 under ss. 92.05 (3) (c) and (k), 92.14 (8), and 281.16 (3) (b) and (c).

22 **91.82 Compliance monitoring.** (1) COUNTY RESPONSIBILITY. (a) A county  
23 land conservation committee shall monitor compliance with s. 91.80.

1 (b) For the purpose of par. (a), a county land conservation committee shall  
2 inspect each farm for which the owner claims farmland preservation tax credits  
3 under subch. IX of ch. 71 at least once every 4 years.

4 (c) For the purpose of par (a), a county land conservation committee may do any  
5 of the following:

6 1. Inspect land that is covered by a farmland preservation agreement or  
7 farmland preservation zoning and that is in agricultural use.

8 2. Require an owner to certify, not more than annually, that the owner complies  
9 with s. 91.80.

10 (d) At least once every 4 years, the department shall review each county land  
11 conservation committee's compliance with par. (b).

12 **(2) NOTICE OF NONCOMPLIANCE.** (a) A county land conservation committee may  
13 issue a written notice of noncompliance to an owner if the committee finds that the  
14 owner has done any of the following:

\*\*\*\*NOTE: Should committees be required, rather than authorized, to issue notices?  
See current s. 92.105 (5).

15 1. Failed to comply with s. 91.80.

16 2. Failed to permit a reasonable inspection under sub. (1) (c) 1.

17 3. Failed to certify compliance as required under sub. (1) (c) 2.

18 (b) A county land conservation committee shall provide to the department of  
19 revenue a copy of each notice of noncompliance issued under par. (a).

20 (c) If a county land conservation committee determines that an owner has  
21 corrected the failure described in a notice of noncompliance under par. (a), it shall  
22 withdraw the notice of noncompliance and notify the owner and the department of  
23 revenue of the withdrawal.

(3) **PROCEDURE.** The department may promulgate rules prescribing procedures for the administration of this section by land conservation committees.

## SUBCHAPTER VI

## AGRICULTURAL ENTERPRISE AREAS

**91.84 Agricultural enterprise areas; general. (1)** DESIGNATION. (a) 1. The department may by rule designate agricultural enterprise areas targeted for agricultural preservation and development.

2. The department may by rule modify or terminate the designation of an agricultural enterprise area.

(b) Subject to par. (c), the department may designate agricultural enterprise areas with a combined area of not more than 1,000,000 acres of land.

(c) Before January 1, 2012, the department may designate not more than 10 agricultural enterprise areas with a combined area of not more than 200,000 acres of land.

(e) The department may not designate an area as an agricultural enterprise area unless all of the following apply:

1. The department receives a petition requesting the designation and the petition complies with s. 91.86.

2. The area consists of at least 1,000 acres of land.

3. The parcels in the area are contiguous. Parcels that are only separated by a lake, stream, or transportation or utility right-of-way are contiguous for the purposes of this subdivision.

4. The area is located entirely in a farmland preservation area identified in a certified farmland preservation plan.

5. The land in the area is primarily in agricultural use.

1           **(2) EMERGENCY RULES.** The department may use the procedure under s. 227.24  
2 to promulgate a rule designating an agricultural preservation area or modifying or  
3 terminating the designation of an agricultural preservation area. Notwithstanding  
4 s. 227.24 (1) (c) and (2), a rule promulgated under this subsection remains in effect  
5 until the department modifies or repeals the rule. Notwithstanding s. 227.24 (1) (a)  
6 and (3), the department is not required to determine that promulgating a rule under  
7 this subsection as an emergency rule is necessary for the preservation of the public  
8 peace, health, safety, or welfare and is not required to provide a finding of emergency  
9 for a rule promulgated under this subsection.

10           **(3) EFFECT OF DESIGNATION.** The designation of an area under sub. (1) allows  
11 owners of eligible land within the area to enter into farmland preservation  
12 agreements with the department. If the department modifies or terminates the  
13 designation of an area under sub. (1) and that modification or termination results in  
14 land covered by a farmland preservation agreement no longer being located in a  
15 designated area, the farmland preservation agreement remains in effect for the  
16 remainder of its term, but the department may not extend or renew the farmland  
17 preservation agreement.

18           **(4) MAP.** In a rule designating an agricultural enterprise area, the department  
19 shall include a map that clearly shows the boundaries of the proposed agricultural  
20 enterprise area so that a reader can easily determine whether a parcel of land is  
21 located within the agricultural enterprise area.

22           **(5) EFFECTIVE DATE OF DESIGNATION.** The designation of an agricultural  
23 enterprise area takes effect on January 1 of the calendar year following the year in  
24 which the rule designating the area is published, unless the rule specifies a later  
25 effective date.

1           **91.86 Agricultural enterprise area; petition. (1) DEFINITION.** In this  
2 section, "eligible farm" means a farm that includes at least 35 contiguous acres of  
3 land and that produced at least \$6,000 in gross farm profits during the taxable year  
4 preceding the year in which a petition is filed requesting the department to designate  
5 an area in which the farm is located as an agricultural enterprise area or a total of  
6 at least \$18,000 in gross farm profits during the 3 taxable years preceding the year  
7 in which a petition is filed.

8           **(2) PETITIONERS.** (a) The department may consider a petition requesting that  
9 it designate an area as an agricultural enterprise area if all of the following jointly  
10 file the petition:

11           1. Each political subdivision in which any part of the proposed agricultural  
12 enterprise area is located.

13           2. Owners of at least 5 eligible farms located in the area.

14           (b) Each petitioner under par. (a) who is an individual shall sign the petition.  
15 For a petitioner that is not an individual, an authorized officer or representative  
16 shall sign the petition.

17           **(3) CONTENTS OF PETITION.** (a) The department may not approve a petition  
18 requesting that it designate an area as an agricultural enterprising area unless the  
19 petition contains all of the following:

20           1. The correct legal name and principal address of each petitioner.

21           2. A summary of the petition that includes the purpose and rationale for the  
22 petition.

23           3. A map that clearly shows the boundaries of the proposed agricultural  
24 enterprise area so that a reader can easily determine whether a parcel of land is  
25 located within the proposed area.

1           4. Information showing that the proposed agricultural enterprise area meets  
2 the requirements under s. 91.84 (1) (e).

3           5. A clear description of current land uses in the proposed agricultural  
4 enterprise area, including current agricultural uses, agriculture-related uses,  
5 transportation, utility, energy, and communication uses, and undeveloped natural  
6 resource and open space uses.

7           6. A clear description of the agricultural land use and development goals for  
8 the proposed agricultural enterprise area, including proposed agricultural uses,  
9 agriculture-related uses, and relevant transportation, utility, energy, and  
10 communication uses.

11           7. A plan for achieving the goals under subd. 6., including any planned  
12 investments, grants, development incentives, cooperative agreements, land or  
13 easement purchases, land donations, and promotion and public outreach activities.

14           8. A description of any current or proposed land use controls in the proposed  
15 agricultural enterprise area, including farmland preservation agreements.

16           (b) Petitioners under sub. (2) may include in the petition the names and  
17 addresses of other persons who propose to cooperate in achieving the goals under par.  
18 (a) 6.

19           **91.88 Grants for preparing petitions.** (1) From the appropriation under  
20 s. 20.115 (7) (dr), the department may award a grant of up to \$20,000 to a political  
21 subdivision to provide reimbursement for up to 50 percent of the political  
22 subdivision's cost of preparing a petition under s. 91.86 requesting the department  
23 to designate an agricultural enterprise area.

24           (2) The department shall enter into a contract with a political subdivision to  
25 which it awards a planning grant under sub. (1) before the department distributes



1 any grant funds to the political subdivision. In the contract, the department shall  
2 identify purposes for which the grant is awarded and the costs that are eligible for  
3 reimbursement through the grant.

4 (3) The department may distribute grant funds under this section only after  
5 the political subdivision shows that it has incurred costs that are eligible for  
6 reimbursement under sub. (2). The department may not distribute more than 50  
7 percent of the amount of a grant under this section for a proposed petition before the  
8 political subdivision submits a complete petition.

9 (4) The department may not enter into a contract under sub. (2) after June 30,  
10 2012.

11 **SECTION 43.** 92.04 (2) (c) of the statutes is repealed.

12 **SECTION 44.** 92.05 (3) (L) of the statutes is amended to read:

13 92.05 (3) (L) *Technical assistance; performance standards.* The department  
14 shall provide technical assistance to county land conservation committees and local  
15 units of government for the development of ordinances that implement standards  
16 adopted under s. 92.07 (2), ~~92.105 (1)~~, 92.15 (2) or (3) or 281.16 (3). The department's  
17 technical assistance shall include preparing model ordinances, providing data  
18 concerning the standards and reviewing draft ordinances to determine whether the  
19 draft ordinances comply with applicable statutes and rules.

20 **SECTION 45.** 92.104 of the statutes is repealed.

21 **SECTION 46.** 92.105 of the statutes is repealed.

22 **SECTION 47.** 92.106 of the statutes is repealed.

23 **SECTION 48.** 92.14 (2) (e) of the statutes is amended to read:

1           92.14 (2) (e) Promoting ~~compliance with the requirements under ss. 92.104 and~~  
2   92.105 soil and water conservation by persons claiming ~~a~~ farmland preservation  
3   credit tax credits under subch. IX of ch. 71.

4           **SECTION 49.** 92.14 (3) (a) 1. of the statutes is amended to read:

5           92.14 (3) (a) 1. Compliance with soil and water conservation requirements  
6   under ~~ss. 92.104 and 92.105~~ by applicable to persons claiming ~~a~~ farmland  
7   preservation credit tax credits under subch. IX of ch. 71.

8           **SECTION 50.** 92.14 (3) (d) of the statutes is amended to read:

9           92.14 (3) (d) Implementing land and water resource management projects  
10   undertaken to comply with the soil and water conservation requirements under ss.  
11   92.104 and 92.105 by applicable to persons claiming ~~a~~ farmland preservation credit  
12   tax credits under subch. IX of ch. 71.

13           **SECTION 51.** 101.143 (4) (ei) 1m. a. of the statutes is amended to read:

14           101.143 (4) (ei) 1m. a. The owner or operator of the farm tank owns a parcel  
15   of 35 or more acres of contiguous land, on which the farm tank is located, which is  
16   devoted primarily to agricultural use, as defined in s. 91.01 (1), <sup>(a)</sup> including land  
17   designated by the department of natural resources as part of the ice age trail under  
18   s. 23.17, which during the year preceding submission of a first claim under sub. (3)  
19   produced gross farm profits, as defined in s. 71.58 (4) 71.613 (1) (g), of not less than  
20   \$6,000 or which, during the 3 years preceding that submission produced gross farm  
21   profits, as defined in s. 71.58 (4) 71.613 (1) (g), of not less than \$18,000, or a parcel  
22   of 35 or more acres, on which the farm tank is located, of which at least 35 acres,  
23   during part or all of the year preceding that submission, were enrolled in the  
24   conservation reserve program under 16 USC 3831 to 3836.

25           **SECTION 52.** 101.143 (4) (ei) 1m. b. of the statutes is amended to read:

Insert  
57-12

1           101.143 (4) (ei) 1m. b. The claim is submitted by a person who, at the time that  
2           the notification was made under sub. (3) (a) 3., was the owner of the farm tank and  
3           owned a parcel of 35 or more acres of contiguous land, on which the farm tank is or  
4           was located, which was devoted primarily to agricultural use, as defined in s. 91.01  
5           ~~(1)~~, <sup>(2)</sup> including land designated by the department of natural resources as part of the  
6           ice age trail under s. 23.17, which during the year preceding that notification  
7           produced gross farm profits, as defined in s. ~~71.58 (4)~~ 71.613 (1) (g), of not less than  
8           \$6,000 or which, during the 3 years preceding that notification, produced gross farm  
9           profits, as defined in s. ~~71.58 (4)~~ 71.613 (1) (g), of not less than \$18,000, or a parcel  
10          of 35 or more acres, on which the farm tank is located, of which at least 35 acres,  
11          during part or all of the year preceding that notification, were enrolled in the  
12          conservation reserve program under 16 USC 3831 to 3836.

13           **SECTION 53.** 165.25 (4) (ar) of the statutes is amended to read:

14           165.25 (4) (ar) The department of justice shall furnish all legal services  
15           required by the department of agriculture, trade and consumer protection relating  
16           to the enforcement of ss. 91.68, 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,  
17           100.182, 100.195, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42,  
18           100.50, and 100.51, and 100.55, and chs. 126, 136, 344, 704, 707, and 779, together  
19           with any other services as are necessarily connected to the legal services.

20           **SECTION 54.** 281.16 (3) (e) of the statutes is amended to read:

21           281.16 (3) (e) An owner or operator of an agricultural facility or practice that  
22           is in existence before October 14, 1997, may not be required by this state or a  
23           municipality to comply with the performance standards, prohibitions, conservation  
24           practices or technical standards under this subsection unless cost-sharing is  
25           available, under s. 92.14 or 281.65 or from any other source, to the owner or operator.

1 For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), ~~92.105 (1)~~, 92.15 (4) and  
2 823.08 (3) (c) 2., the department of natural resources shall promulgate rules that  
3 specify criteria for determining whether cost-sharing is available under s. 281.65  
4 and the department of agriculture, trade and consumer protection shall promulgate  
5 rules that specify criteria for determining whether cost-sharing is available under  
6 s. 92.14 or from any other source. The rules may not allow a determination that  
7 cost-sharing is available to meet local regulations under s. 92.07 (2), ~~92.105 (1)~~ or  
8 92.15 that are consistent with or that exceed the performance standards,  
9 prohibitions, conservation practices or technical standards under this subsection  
10 unless the cost-sharing is at least 70% of the cost of compliance or is from 70% to 90%  
11 of the cost of compliance in cases of economic hardship, as defined in the rules.

12 **SECTION 55.** 281.65 (5) (b) of the statutes is amended to read:

13 281.65 (5) (b) Prepare sections of the priority watershed or priority lake plan  
14 relating to farm-specific implementation schedules, requirements under ss. ~~92.104~~  
15 ~~and 92.105~~ s. 281.16 (3), animal waste management and selection of agriculturally  
16 related best management practices and submit those sections to the department for  
17 inclusion under sub. (4m) (b). The best management practices shall be cost-effective  
18 best management practices, as specified under sub. (4) (e), except in situations in  
19 which the use of a cost-effective best management practice will not contribute to  
20 water quality improvement or will cause a water body to continue to be impaired as  
21 identified to the federal environmental protection agency under 33 USC 1313 (d) (1)  
22 (A).

23 **SECTION 56.** 281.65 (5) (d) of the statutes is amended to read:

24 281.65 (5) (d) Develop a grant disbursement and project management schedule  
25 for agriculturally related best management practices to be included in a plan

1 established under sub. (4) (g) and identify recommendations for implementing  
2 activities or projects under ss. 92.10, ~~92.104 and 92.105~~ and 281.16 (3).

3 **SECTION 57.** 281.65 (5) (e) of the statutes is amended to read:

4 281.65 (5) (e) Identify areas within a priority watershed or priority lake area  
5 that are subject to activities required under ss. ~~92.104 and 92.105~~ s. 281.16 (3).

Insert  
60-5  
6 **SECTION 9343. Initial applicability; Revenue.**

7 (1) FARMLAND PRESERVATION CREDIT. The treatment of section 71.613 of the  
8 statutes first applies to taxable years beginning on January 1, 2010.

9 (END)

Note

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0203/P3ins  
RCT:.....

SA ✓

**Insert 2-6**

**SECTION 1.** 30.29 (3) (b) of the statutes is amended to read:

30.29 (3) (b) *Agriculture activities.* A person operating a motor vehicle while the person is engaged in agricultural use, as defined under s. 91.01 (1) (2). ✓

History: 1981 c. 189; 1987 a. 374; 1991 a. 39; 2003 a. 118.

**SECTION 2.** 32.035 (1) (b) of the statutes is amended to read:

32.035 (1) (b) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural commodities resulting from an agricultural use, as defined in s. 91.01 (1) (2), for sale and home use, and customarily producing the commodities in sufficient quantity to be capable of contributing materially to the operator's support. ✓

History: 1977 c. 440; 1979 c. 34; 1983 a. 236 s. 12; 1985 a. 140; 1987 a. 175; 2003 a. 214.

**SECTION 3.** 66.0307 (7m) of the statutes is amended to read:

66.0307 (7m) ZONING IN TOWN TERRITORY. If a town is a party to a cooperative plan with a city or village, the town and city or village may agree, as part of the cooperative plan, to authorize the town, city or village to adopt a zoning ordinance under s. 60.61, 61.35 or 62.23 for all or a portion of the town territory covered by the plan. The exercise of zoning authority by a town under this subsection is not subject to s. 60.61 (3) or 60.62 (3). If a county zoning ordinance applies to the town territory covered by the plan, that ordinance and amendments to it continue until a zoning ordinance is adopted under this subsection. If a zoning ordinance is adopted under this subsection, that zoning ordinance continues in effect after the planning period ceases until a different zoning ordinance for the territory is adopted under other

S.

1 applicable law. This subsection does not affect zoning ordinances adopted under ss.  
2 59.692, or 87.30 or 91.71 to 91.78 ch. 91.

History: 1991 a. 269; 1993 a. 213, 301, 329, 399; 1995 a. 35, 201, 216, 227; 1997 a. 27, 35; 1999 a. 150 s. 67; Stats. 1999 s. 66.0307; 1999 a. 182 s. 199; 2001 a. 30; 2007 a. 43.

3 **SECTION 4.** 66.0721 (1) (a) of the statutes is amended to read:

4 66.0721 (1) (a) "Agricultural use" has the meaning given in s. 91.01 (1) (2) and  
5 includes any additional agricultural uses of land, as determined by the town sanitary  
6 district or town.

History: 1999 a. 150 ss. 208, 530; Stats. 1999 s. 66.0721; 2007 a. 226.

7 **Insert 2-15**

8 **SECTION 5.** 71.07 (3m) (a) 1. (intro.) of the statutes is amended to read:

9 71.07 (3m) (a) 1. (intro.) "Claimant" means an owner of farmland, as defined  
10 in s. 91.01 (9), 2007 stats., of farmland domiciled in this state during the entire year  
11 for which a credit under this subsection is claimed, except as follows:

History: 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109; 2003 a. 72, 99, 135, 183, 255, 267, 326; 2005 a. 25, 49, 72, 74, 97, 177, 254, 361, 387, 479, 483, 487; 2007 a. 11, 20, 96, 97, 100; s. 13.92 (2) (i).

\*\*\*\*NOTE: Section 91.01 (9) defines "owner," not "farmland."

12 **Insert 4-12**

13 **SECTION 6.** 71.28 (2m) (a) 1. (intro.) of the statutes is amended to read:

14 71.28 (2m) (a) 1. (intro.) "Claimant" means an owner of farmland, as defined  
15 in s. 91.01 (9), 2007 stats., of farmland domiciled in this state during the entire year  
16 for which a credit under this subsection is claimed, except as follows:

History: 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; 2007 a. 20, 96, 97, 100; s. 13.92 (2) (i).

17 **Insert 5-16**

18 **SECTION 7.** 71.47 (2m) (a) 1. (intro.) of the statutes is amended to read:

4 star  
note  
says

1           71.47 (2m) (a) 1. (intro.) "Claimant" means an owner of farmland, as defined  
2           in s. 91.01 (9), 2007 stats., of farmland domiciled in this state during the entire year  
3           for which a credit under this subsection is claimed, except as follows:

History: 1987 a. 312, 411, 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292, 315; 1993 a. 16, 112; 1995 a. 27 ss. 3407m to 3412m, 9116 (5); 1995 a. 209, 227, 417; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; 2007 a. 20, 96, 97, 100; s. 13.92 (2) (i).

4           **Insert 8-13**

5           **SECTION 8.** 71.58 (4) of the statutes is amended to read:

6           71.58 (4) "Gross farm profits" means gross receipts, excluding rent, from  
7           agricultural use, as defined in s. 91.01 (1), 2007 stats., including the fair market  
8           value at the time of disposition of payments in kind for placing land in federal  
9           programs or payments from the federal dairy termination program under 7 USC  
10          1446 (d), less the cost or other basis of livestock or other items purchased for resale  
11          which are sold or otherwise disposed of during the taxable year.

History: 1987 a. 312, 411; 1989 a. 31; 1993 a. 112; 2005 a. 25, 387.

12          **Insert 10-7**

13          **SECTION 9.** 71.59 (1) (c) of the statutes is amended to read:

14          71.59 (1) (c) A farmland preservation agreement submitted under par. (b) 3.  
15          shall contain provisions specified under s. 91.13 (8), 2007 stats., including either a  
16          provision requiring farming operations to be conducted in substantial accordance  
17          with a soil and water conservation plan prepared under s. 92.104, 2007 stats., or a  
18          provision requiring farming operations to be conducted in compliance with  
19          reasonable soil and water conservation standards established under s. 92.105, 2007  
20          stats.

History: 1987 a. 312, 411; 1989 a. 31, 359; 1991 a. 39, 309; 1995 a. 201; 1997 a. 137.

21          **SECTION 10.** 71.59 (1) (d) 1. of the statutes is amended to read:



1           71.59 (1) (d) 1. That the lands are within the boundaries of an agricultural  
2       zoning district which is part of an adopted ordinance meeting the standards of subch.  
3       V of ch. 91, 2007 stats., and certified under s. 91.06, 2007 stats.

History: 1987 a. 312, 411; 1989 a. 31, 359; 1991 a. 39, 309; 1995 a. 201; 1997 a. 137.

4           **SECTION 11.** 71.59 (1) (d) 5. of the statutes is amended to read:

5           71.59 (1) (d) 5. That soil and water conservation standards applicable to the  
6       land are established and approved as required under s. 92.105 (1) to (3), 2007 stats.,  
7       and that no notice of noncompliance is in effect under s. 92.105 (5), 2007 stats., with  
8       respect to the claimant at the time the certificate is issued.

History: 1987 a. 312, 411; 1989 a. 31, 359; 1991 a. 39, 309; 1995 a. 201; 1997 a. 137.

9           **Insert10-10**

10          **SECTION 12.** 71.59 (2) (b) of the statutes is amended to read:

11          71.59 (2) (b) If a notice of noncompliance with an applicable soil and water  
12       conservation plan under s. 92.104, 2007 stats., is in effect with respect to the  
13       claimant at the time the claim is filed.

History: 1987 a. 312, 411; 1989 a. 31, 359; 1991 a. 39, 309; 1995 a. 201; 1997 a. 137.

14          **SECTION 13.** 71.59 (2) (c) of the statutes is amended to read:

15          71.59 (2) (c) If a notice of noncompliance with applicable soil and water  
16       conservation standards under s. 92.105, 2007 stats., is in effect with respect to the  
17       claimant at the time the claim is filed.

History: 1987 a. 312, 411; 1989 a. 31, 359; 1991 a. 39, 309; 1995 a. 201; 1997 a. 137.

18          **Insert 11-4**

19          **SECTION 14.** 71.60 (1) (c) 1. of the statutes is amended to read:

20          71.60 (1) (c) 1. If the farmland is located in a county which has a certified  
21       agricultural preservation plan under subch. IV of ch. 91, 2007 stats., at the close of  
22       the year for which credit is claimed and is in an area zoned by a county, city or village

1 for exclusive agricultural use under ch. 91, 2007 stats., at the close of such year, the  
2 amount of the claim shall be that as specified in par. (b).

History: 1987 a. 312, 411; 1989 a. 31; 1991 a. 39; 1993 a. 246, 420.

3 **SECTION 15.** 71.60 (1) (c) 2. of the statutes is amended to read:

4 71.60 (1) (c) 2. If the farmland is subject to a transition area agreement under  
5 subch. II of ch. 91, 2007 stats., on July 1 of the year for which credit is claimed, or the  
6 claimant had applied for such an agreement before July 1 of such year and the  
7 agreement has subsequently been executed, and the farmland is located in a city or  
8 village which has a certified exclusive agricultural use zoning ordinance under  
9 subch. V of ch. 91, 2007 stats., in effect at the close of the year for which credit is  
10 claimed, or in a town which is subject to a certified county exclusive agricultural use  
11 zoning ordinance under subch. V of ch. 91, 2007 stats., in effect at the close of the year  
12 for which credit is claimed, the amount of the claim shall be that as specified in par.  
13 (b).

5 2007 stats. 5

History: 1987 a. 312, 411; 1989 a. 31; 1991 a. 39; 1993 a. 246, 420.

14 **SECTION 16.** 71.60 (1) (c) 3. of the statutes is amended to read:

15 71.60 (1) (c) 3. If the claimant or any member of the claimant's household owns  
16 farmland which is ineligible for credit under subd. 1. or 2. but was subject to a  
17 farmland preservation agreement under subch. III of ch. 91, 2007 stats., on July 1  
18 of the year for which credit is claimed, or the owner had applied for such an  
19 agreement before July 1 of such year and the agreement has subsequently been  
20 executed, and if the owner has applied by the end of the year in which conversion  
21 under s. 91.41 is first possible for conversion of the agreement to a transition area  
22 agreement under subch. II of ch. 91, 2007 stats., and the transition area agreement  
23 has subsequently been executed, and the farmland is located in a city or village which  
24 has a certified exclusive agricultural use zoning ordinance under subch. V of ch. 91,

1     2007 stats., in effect at the close of the year for which credit is claimed, or in a town  
2     which is subject to a certified county exclusive agricultural use zoning ordinance  
3     under subch. V of ch. 91, 2007 stats., in effect at the close of the year for which credit  
4     is claimed, the amount of the claim shall be that specified in par. (b).

History: 1987 a. 312, 411; 1989 a. 31; 1991 a. 39; 1993 a. 246, 420.

5     **SECTION 17.** 71.60 (1) (c) 4. of the statutes is amended to read:

6             71.60 (1) (c) 4. If the claimant or any member of the claimant's household owns  
7     farmland which is ineligible for credit under subd. 1. or 2. but which is subject to a  
8     farmland preservation agreement or a transition area agreement under subch. II of  
9     ch. 91, 2007 stats., on July 1 of the year for which credit is claimed, or the owner had  
10    applied for such an agreement before July 1 of such year and the agreement has  
11    subsequently been executed, the amount of the claim shall be limited to 80% of that  
12    specified in par. (b).

History: 1987 a. 312, 411; 1989 a. 31; 1991 a. 39; 1993 a. 246, 420.

13    **SECTION 18.** 71.60 (1) (c) 5. of the statutes is amended to read:

14            71.60 (1) (c) 5. If the claimant or any member of the claimant's household owns  
15    farmland which is ineligible for credit under subds. 1. to 4. but was subject to a  
16    farmland preservation agreement under subch. III of ch. 91, 2007 stats., on July 1  
17    of the year for which credit is claimed, or the owner had applied for such an  
18    agreement before July 1 of such year and the agreement has subsequently been  
19    executed, and if the owner has applied by the end of the year in which conversion  
20    under s. 91.41, 2007 stats., is first possible for conversion of the agreement to an  
21    agreement under subch. II of ch. 91, 2007 stats., and the agreement under subch. II  
22    of ch. 91, 2007 stats., has subsequently been executed, the amount of the claim shall  
23    be limited to 80% of that specified in par. (b).

History: 1987 a. 312, 411; 1989 a. 31; 1991 a. 39; 1993 a. 246, 420.

24    **SECTION 19.** 71.60 (1) (c) 6. of the statutes is amended to read:

1           71.60 (1) (c) 6. If the farmland is located in an agricultural district under a  
2           certified county agricultural preservation plan under subch. IV of ch. 91, 2007 stats.,  
3           at the close of the year for which credit is claimed, and is located in an area zoned for  
4           exclusive agricultural use under a certified town ordinance under subch. V of ch. 91,  
5           2007 stats., at the close of such year, the amount of the claim shall be the amount  
6           specified in par. (b).

History: 1987 a. 312, 411; 1989 a. 31; 1991 a. 39; 1993 a. 246, 420.

7           **SECTION 20.** 71.60 (1) (c) 6m. of the statutes is amended to read:

8           71.60 (1) (c) 6m. If the farmland is located in an agricultural district under a  
9           certified county agricultural preservation plan under subch. IV of ch. 91, 2007 stats.,  
10          at the close of the year for which credit is claimed, and is located in an area zoned for  
11          exclusive agricultural use under a certified county or town ordinance under subch.  
12          V of ch. 91, 2007 stats., for part of a year but not at the close of that year because the  
13          farmland became subject to a city or village extraterritorial zoning ordinance under  
14          s. 62.23 (7a), the amount of the claim shall be equal to the amount that the claim  
15          would have been under this section if the farmland were subject to a certified county  
16          or town exclusive agricultural use ordinance at the close of the year.

History: 1987 a. 312, 411; 1989 a. 31; 1991 a. 39; 1993 a. 246, 420.

17          **SECTION 21.** 71.60 (1) (c) 7. of the statutes is amended to read:

18          71.60 (1) (c) 7. If the farmland is located in an area zoned for exclusive  
19          agricultural use under a certified county, city or village ordinance under subch. V of  
20          ch. 91, 2007 stats., at the close of the year for which credit is claimed, but the county  
21          in which the farmland is located has not adopted an agricultural preservation plan  
22          under subch. IV of ch. 91, 2007 stats., by the close of such year, the amount of the  
23          claim shall be limited to 70% of that specified in par. (b).

History: 1987 a. 312, 411; 1989 a. 31; 1991 a. 39; 1993 a. 246, 420.

24          **SECTION 22.** 71.60 (1) (c) 8. of the statutes is amended to read:

1           71.60 (1) (c) 8. If the farmland is subject to a farmland preservation agreement  
2   under subch. III of ch. 91, 2007 stats., on July 1 of the year for which credit is claimed  
3   or the claimant had applied for such an agreement before July 1 of such year and the  
4   agreement has subsequently been executed, the amount of the claim shall be limited  
5   to 50% of that specified in par. (b).

History: 1987 a. 312, 411; 1989 a. 31; 1991 a. 39; 1993 a. 246, 420.

6           **SECTION 23.** 71.60 (2) of the statutes is amended to read:

7           71.60 (2) If the farmland is subject to a certified ordinance under subch. V of  
8   ch. 91, 2007 stats., or an agreement under subch. II of ch. 91, 2007 stats., in effect  
9   at the close of the year for which the credit is claimed, the amount of the claim is 10%  
10   of the property taxes accrued or the amount determined under sub. (1), whichever  
11   is greater.

History: 1987 a. 312, 411; 1989 a. 31; 1991 a. 39; 1993 a. 246, 420.

12          **Insert 57-12**

13          **SECTION 24.** 93.06 (10m) of the statutes is amended to read:

14          **93.06 (10m) FARMLAND PRESERVATION COLLECTIONS.** Enter into contracts to  
15   collect amounts owed to the state under ch. 91, 2007 stats., as the result of the  
16   relinquishment of, or the release of land from, a farmland preservation agreement  
17   or as the result of the rezoning of land zoned for exclusive agricultural use.

History: 1973 c. 206; 1975 c. 39; 1975 c. 94 s. 3; 1975 c. 414 s. 28; 1977 c. 181; 1979 c. 32 s. 92 (6), (12); 1979 c. 209; 1983 a. 203; 1985 a. 30 s. 42; 1989 a. 31, 174, 282; 1991 a. 39; 1993 a. 16; 1995 a. 400; 1997 a. 27, 191, 253; 1999 a. 9, 186; 2001 a. 16, 56, 103; 2005 a. 25, 441; 2007 a. 20.

18          **Insert 60-5**

19          **SECTION 25.** 289.33 (3) (d) of the statutes is amended to read:

20          289.33 (3) (d) "Local approval" includes any requirement for a permit, license,  
21   authorization, approval, variance or exception or any restriction, condition of  
22   approval or other restriction, regulation, requirement or prohibition imposed by a  
23   charter ordinance, general ordinance, zoning ordinance, resolution or regulation by

a town, city, village, county or special purpose district, including without limitation because of enumeration any ordinance, resolution or regulation adopted under s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4), (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), (6), (7), (8), (10) and (11), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, 66.0101, 66.0415, 87.30, ~~91.73~~, 196.58, 200.11 (8), 236.45, 281.43 or 349.16 or s. 91.73, 2007 stats., subch. VIII of ch. 60, or subch III of ch. 91.

**History:** 1981 c. 374; 1983 a. 128; 1983 a. 282 ss. 6 to 32, 34; 1983 a. 416 s. 19; 1983 a. 532 s. 36; 1983 a. 538; 1985 a. 182 s. 57; 1987 a. 27, 204, 399; 1987 a. 403 s. 256; 1991 a. 39; 1995 a. 201; 1995 a. 227 s. 626; Stats. 1995 s. 289.33; 1997 a. 35, 241; 1999 a. 83, 150; 2001 a. 38; 2007 a. 63.

**SECTION 26.** 823.08 (2) (b) of the statutes is amended to read:

823.08 (2) (b) "Agricultural use" has the meaning given in s. 91.01 (1) (2).

**History:** 1981 c. 123; 1995 a. 149; 1997 a. 27; 1999 a. 9.

**SECTION 27.** 846.04 (1) of the statutes is amended to read:

846.04 (1) The plaintiff may, in the complaint, demand judgment for any deficiency that may remain due the plaintiff after sale of the mortgaged premises against every party who is personally liable for the debt secured by the mortgage. Judgment may be rendered for any deficiency remaining after applying the proceeds of sale to the amount due. The judgment for deficiency shall be ordered in the original judgment and separately rendered against the party liable on or after the confirmation of sale. The judgment for deficiency shall be entered in the judgment

1 and lien docket and, except as provided in subs. (2) and (3), enforced as in other cases.

2 A mortgage foreclosure deficiency judgment entered on or after October 14, 1997, on

3 property ~~devoted primarily to~~ under agricultural use, as defined in s. 91.01 (5), ~~on~~

4 ~~and after October 14, 1997, (1),~~ <sup>(2)</sup> for at least 12 consecutive months during the

5 preceding 36-month period shall be recorded as an agriculture judgment.

History: 1973 c. 189 s. 7; Stats. 1973 s. 816.04; Sup. Ct. Order, 67 Wis. 2d 585, 768 (1975); Stats. 1975 s. 846.04; 1993 a. 486; 1995 a. 224; 1997 a. 27.

6 **SECTION 28.** 846.04 (2) of the statutes is amended to read:

7 846.04 (2) Except as provided in sub. (3), if a mortgage foreclosure deficiency

8 judgment is entered on property ~~devoted primarily to~~ under agricultural use, as

9 defined in s. 91.01 (5), ~~(1),~~ <sup>(2)</sup> for at least 12 consecutive months during the preceding

10 36-month period, an action on the deficiency judgment shall be commenced within

11 10 years after the date on which the mortgage foreclosure deficiency judgment is

12 entered or be barred.

History: 1973 c. 189 s. 7; Stats. 1973 s. 816.04; Sup. Ct. Order, 67 Wis. 2d 585, 768 (1975); Stats. 1975 s. 846.04; 1993 a. 486; 1995 a. 224; 1997 a. 27.

13 **SECTION 29.** 946.13 (2) (g) of the statutes is amended to read:

14 946.13 (2) (g) Contracts with, or tax credits or payments received by, public

15 officers or employees for wildlife damage claims or abatement under s. 29.889, for

16 farmland preservation under subch. IX of ch. 71 and ~~s. 91.13,~~ 2007 stats., or s. 91.60,

17 soil and water resource management under s. 92.14, soil erosion control under s.

18 92.10, 1985 stats., animal waste management under s. 92.15, 1985 stats., and

19 nonpoint source water pollution abatement under s. 281.65.

History: 1971 c. 40 s. 93; 1973 c. 12 s. 37; 1973 c. 50, 265; 1977 c. 166, 173; 1983 a. 282; 1987 a. 344, 378, 399; 1989 a. 31, 232; 1993 a. 486; 1995 a. 27, 225, 227, 435; 1997 a. 35, 248; 1999 a. 9, 85; 1999 a. 150 s. 672; 2001 a. 109; 2005 a. 417.

✓  
s. 91.13, 2007 stats., or s. 91.60 or

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0203/P3dn

RCT:.....

js

Andrew Miner:

In this redraft, I have added treatments of statutes outside of ch. 91 that refer to provisions in ch. 91. I can provide a list of the added statutes if that would be helpful. ✓

The issues raised in earlier drafter's notes and in notes in the draft itself remain relevant. ✓

Please contact me if you have any questions.

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**DRAFTER'S NOTE  
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December 9, 2008

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The statutes circled  
in red are the  
ones that have  
x-refs that may  
need adjusting.

bill repeals + recreates ch. 91

## Chapter 91

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